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Docket No. 61535 (46342)

DT09 Rec'd PCT/PTO 25 JUN 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Makoto KOBAYASHI et al.

Serial No.: Not Yet Assigned

Group No.: Not Yet Assigned

Filed: June 25, 2004

Examiner: Not Yet Assigned

For: METHOD OF QUANTIFYING NUCLEIC ACID AND KIT FOR  
QUANTIFYING NUCLEIC ACID

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that, on the date shown below, this correspondence and any paper referred to as being attached hereto are being deposited with the United States Postal Service with sufficient postage in an envelope as "Express Mail Post Office Addressee", Mailing Label No. **EV438969753US**, addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

Date: June 25, 2004

Signature: Michelle P. Chicos

Michelle P. Chicos

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Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

**I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

**II. COPIES**

- a. ☒ Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

**III. CONCISE EXPLANATION OF THE RELEVANCE**

(check at least one box)

- a. ☐ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).

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- b. ☒ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

See English language abstracts for References BA, BC & BE

- c. ☐ The following additional information is provided for the Examiner's consideration:

**FEES**

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a. ☒ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

- ☐ before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).
- a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

☐ Please charge Deposit Account No. 04-1105 in the amount of \$ \_\_\_\_\_ for the above-indicated fee. A triplicate copy of this paper is attached.

☒ No fee is required.

☐ Fee enclosed, check in the amount of \$ 180.00.

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If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,

June 25, 2004

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Sheet 1 of 1

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|---|-----------------------------------|------------------------------|
| <b>FORM PTO-1449</b><br><br><b>INFORMATION DISCLOSURE STATEMENT</b> | DOCKET NO.: 61535 (46342)         | SERIAL NO.: Not Yet Assigned |
|   | APPLICANT(S): M. KOBAYASHI et al. |                              |
|   | FILING DATE: June 25, 2004        | GROUP NO.: Not Yet Assigned  |

**UNITED STATES PATENT DOCUMENTS**

| EXAM.<br>INITIALS |    | DOCUMENT<br>NUMBER | DATE    | NAME          | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|-------------------|----|--------------------|---------|---------------|-------|----------|-------------------------------|
|                   | AA | 4,965,188          | 10/1990 | Mullis et al. |       |          |                               |
|                   | AB | 4,683,195          | 07/1987 | Mullis et al. |       |          |                               |
|                   | AC | 4,683,202          | 07/1987 | Mullis et al. |       |          |                               |
|                   |    |                    |         |               |       |          |                               |

**FOREIGN PATENT DOCUMENTS**

|  |    | DOCUMENT<br>NUMBER | DATE    | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES/NO         |
|--|----|--------------------|---------|---------|-------|----------|-------------------------------|
|  | BA | JP 2001-204483     | 07/2001 | JAPAN   |       |          | See English language abstract |
|  | BB | WO 01/46463 A2     | 06/2001 | PCT     |       |          |                               |
|  | BC | JP 2001-095576     | 04/2001 | JAPAN   |       |          | See English language abstract |
|  | BD | EP 0 497 784 B1    | 04/1999 | EUROPE  |       |          |                               |
|  | BE | JP 11-009281       | 01/1999 | JAPAN   |       |          | See English language abstract |
|  | BF | WO 91/02817        | 03/1991 | PCT     |       |          |                               |

**OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)**

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| Examiner: | Date: |
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